

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PATRICK RANDELL MCINTOSH,

Case No. 23-CV-2311 (NEB/JFD)

Petitioner,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

JARED RARDIN,

Respondent.

The Court has received the November 22, 2023 Report and Recommendation of United States Magistrate Judge John F. Docherty. (ECF No. 8.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 8) is ACCEPTED;
2. Patrick Randell McIntosh's Petition for Writ of Habeas Corpus under 28 U.S.C. Section 2241 (ECF No. 1) is DENIED;
3. The action is DISMISSED WITHOUT PREJUDICE; and
4. McIntosh's Application to Proceed in District Court Without Pre-paying Fees or Costs (ECF No. 4) is DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 4, 2024

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge